

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD JANUARY 12, 2006 AT 10:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County
Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

VDOT PROJECT STATUS UPDATE

David Cabbage, representing the Virginia Department of Transportation, briefed the Board of Supervisors on the status of current and future projects.

**RESPONSE TO PUBLIC HEALTH EMERGENCIES IN FAUQUIER COUNTY AND
PLANNING DISTRICT 9**

Philip T. Myer, Chief of the Office of Emergency Services, introduced Dr. Lilian Peake of the Virginia Department of Health Planning District 9, and Claudia Vento, of the Rappahannock-Rapidan Medical Reserve Corps, who advised the Board of Supervisors on the capabilities to respond to a flu pandemic or similar public health emergency.

**A WORK SESSION TO REVIEW CONSTRUCTION, DEMOLITION PROCESSING
LOCATION AND SCHEDULE, AND DELIVERY OF NEWSPAPER TO FARMS**

Anthony I. Hooper, Deputy County Administrator, and Michael Dorsey, Director of Environmental Services, reviewed possible locations to site a Construction, Demolition and Debris processing operation at, or adjacent to, the Corral Farm facility, and presented options and costs for delivering newspaper to farms.

**A CLOSED SESSION TO DISCUSS POTENTIAL ACQUISITION AND DISPOSITION
OF REAL PROPERTY RELATING TO LANDFILL CONVENIENCE SITES**

Mr. Downey moved to go into a closed meeting, pursuant to §2.2-3711(3) of the Code of Virginia, to discuss the acquisition and use of real property for landfill and convenience site purposes where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Upon reconvening from the closed meeting, Mr. Graham moved, without objection, to adopt the following certification.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 12th day of January 2006, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 P.M.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, as presented. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

CITIZENS' TIME

- Kevin Carter, Center District, spoke in opposition to redistricting of school boundaries, and asked that building of new schools be made a priority in the Capital Improvements Plan.
- Odetta Dietz, Marshall District, spoke in favor of building additional elementary schools.
- John Griffin, Cedar Run District, spoke in favor of balanced growth and in support of education and providing enhanced public service, and urged the Board to address deferred needs in the Capital Improvements Plan.

- Owen Schefer, Scott District, urged the Board to consider building new schools before the year 2011, as predicted by the School Board, and spoke in opposition to redistricting school boundaries.
- Mia Grabner, Marshall District, spoke in favor of building additional schools and roads, and in opposition to redistricting school boundaries; she further requested a joint “town meeting” between the Board of Supervisors, the School Board, and citizens to address those issues.
- Melanie Burch, Scott District, requested a joint “town meeting” between the Board of Supervisors, the School Board, and citizens to discuss redistricting school boundaries and the need for building additional schools.
- Katie Weathers, Center District, spoke in favor of building new schools.
- Corrine Hensley, Center District, spoke in opposition to the redistricting of school boundaries, and spoke in favor of building additional schools.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented an award to William A. Crummett and Martha Crummett for Citizen of the Year for Marshall District.
- Mr. Graham presented an award to Carl Bailey for Citizen of the Year for Cedar Run District.
- Mr. Stribling presented an award to Tyronne Champion for Citizen of the Year for Lee District.
- Mr. Downey presented an award to Edward F. McGushin for Citizen of the Year for Scott District.
- Mr. Robison presented an award to Roger Romulus Martella for Citizen of the Year for Center District.
- Rick Carr, Director of Community Development, presented to Jennifer Kilanski the Engineers and Surveyors Institute Award in Recognition for Quality Plans Review.
- Paul McCulla, County Administrator, presented to Bryan Tippie, Budget Director, the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award.
- Mr. Graham presented to Sharon Blum and Jeannie Allen, A Proclamation to Commend TrueNorth Consulting, Inc. for its Assistance to the Board of Assessors.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

Approval of the Minutes for the December 8, 2005 Regular Meeting and January 5, 2006 Adjourned Meeting of the Fauquier County Board of Supervisors

A Resolution to Accept Fauquier County Grant Application to the Virginia Department of Conservation and Recreation's Water Quality Improvement Fund

RESOLUTION

A RESOLUTION TO ACCEPT FAUQUIER COUNTY GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION'S WATER QUALITY IMPROVEMENT FUND

WHEREAS, on August 22, 2005, Fauquier County convened a Riparian Buffer Easement Program Solutions Team to collaborate on the development of a Riparian Buffer Easement Program in order to preserve, protect and improve the quality of Fauquier County's water supply; and

WHEREAS, on November 28, 2005, the Fauquier County Riparian Buffer Easement Program Solutions Team signed a Declaration of Cooperation committing team members to continue the development of a riparian buffer easement program; and

WHEREAS, the Commonwealth of Virginia is developing Tributary Strategy goals to reduce non-point source pollutants; and

WHEREAS, riparian buffer easements are a key implementation component to the Tributary Strategy goals outlined for Fauquier County; and

WHEREAS, considerable resources are required to develop and implement a riparian buffer easement program; and

WHEREAS, the Virginia Department of Conservation and Recreation issued grant funding from the Water Quality Improvement Fund for the purpose of implementing the goals of Tributary Strategies; and

WHEREAS, a dedicated staff position with monitoring equipment would enable Fauquier County to further develop and implement a riparian buffer easement program with members of the Riparian Buffer Easement Solutions Team; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th of January 2006, That Fauquier County believes a riparian buffer easement program is important to the implementation of the Tributary Strategy goals of reducing non-point source pollution; and, be it

RESOLVED FURTHER, That funding from the Virginia Department of Conservation and Recreation's Water Quality Improvement Fund will help Fauquier County meet the Tributary Strategy implementation goals; and, be it

RESOLVED FINALLY, That Fauquier County hereby accepts the grant application to the Virginia Department of Conservation of Recreation's Water Quality Improvement Fund.

A Resolution to Authorize the Revision of Human Resources Policy 2-G – Family and Medical Leave

RESOLUTION

**A RESOLUTION TO AUTHORIZE THE REVISION OF
HUMAN RESOURCES POLICY 2-G – FAMILY AND MEDICAL LEAVE**

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended changes are contained in Policy 2-G, Family and Medical Leave, dated January 12, 2006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the revisions made to Human Resources Policy 2-G, Family and Medical Leave, be, and are hereby, approved effective January 12, 2006.

HUMAN RESOURCES POLICY
Fauquier County, Virginia

Policy Title: Family and Medical Leave
Section No.: 2-G

Effective Date: 1/12/06
Supersedes Policy: 6/18/01

I. PURPOSE

It is the objective of the Board of Supervisors to provide eligible employees with up to 12 weeks of family and/or medical leave in accordance with the Family and Medical Leave Act of 1993 (FMLA).

II. **SCOPE**

This policy applies to all permanent full-time and permanent part-time employees.

III. **DEFINITIONS**

A. Family/Medical Leave

Family/Medical Leave is defined as a leave without pay (or use of an employee's accrued leave) for up to 12 weeks during a rolling twelve (12) month period for the following reasons:

1. due to the birth of a child or the placement of a child with an employee for adoption or foster care,
2. because the employee is needed to care for a family member (child, spouse or parent) with a serious health condition,
3. because an employee's own serious health condition makes him/her unable to do his/her job.

B. Eligible Employees

Eligible employees shall be defined as permanent full-time or permanent part-time employees who have been employed by the general government for at least 12 months and worked at least 1,250 hours (as designated by the Federal FMLA law) during the 12 months before the start of the leave.

The required 1,250 hours do not have to be worked during consecutive months, however, the 1,250 hours of work requirement applies to the 12 months immediately preceding the start of the leave.

C. Employment Benefits

Employment benefits, for the purposes of this policy, shall be defined as benefits provided by the general government to eligible employees including group life insurance, health insurance, annual and sick leave.

Health Care Provider

For the purposes of this policy, health care providers shall include the following:

1. a doctor of medicine or osteopathy who is licensed to practice medicine or surgery by the state in which he/she practices;
2. any other person determined by the Secretary of the Department of Labor to be capable of providing health care services; and

3. others capable of providing health care services to include only podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners and nurse-midwives authorized to practice in the state and performing within the scope of their practice as defined under state law, and Christian Science practitioners.

Key Position

A key position shall be defined as a position occupied by an employee who is among the highest paid 10 percent of all general government employees.

Spouse

A spouse shall be defined as a husband or wife as recognized under the laws of the Commonwealth of Virginia for the purposes of marriage.

Parent

A parent shall be defined as a biological parent or individual who served as the employee's parent and was charged with the duties and responsibilities of the parent. A parent does not include a parent-in-law.

Son or Daughter

A son or daughter shall be defined as a biological, adopted or foster child; step-child; legal ward; or other persons for whom the employee acts in the capacity of a parent. The child must be under age 18 or be age 18 or older and incapable of self-care due to a mental or physical disability.

Serious Health Condition/Illness

A serious health condition/illness shall be defined as an illness, injury, impairment or physical or mental condition that involves

1. inpatient care in a hospital, hospice or residential medical care facility; or
2. continuing treatment by a health care provider.

IV. PROCEDURES

A. FMLA For Eligible Full-time Employees

Eligible full-time employees may take up to 12 workweeks of unpaid family and medical leave in a rolling twelve month period for the following reasons:

1. the birth of a child (to be taken within 12 months of the child's birth);
2. the placement of a child with the employee for adoption or foster care (to be taken within 12 months of the date of placement);

(FMLA associated with child birth or child placement shall be taken in one block of time up to 12 weeks, unless the employee and supervisor agree otherwise.)

3. in order to care for a child, a dependent son or daughter over 18 years of age who is incapable of self-care due to a mental or physical disability, a spouse or a parent who has a serious health condition that involves
 - a. in-patient care in a hospital, hospice, or residential medical care facility; or
 - b. continuing treatment by a health care provider;
4. because of a serious personal health condition that renders the employee unable to perform the functions of his/her position.

The general government may request certification that the employee is unable to work at all or is unable to perform any of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act.

B. FMLA For Eligible Part-time Employees

1. Eligible part-time employees may take up to 12 workweeks of unpaid family and medical leave in a rolling twelve month period for the reasons listed in III, A above.
2. Actual hours taken shall be counted on a prorated basis corresponding to the percentage of hours employees are normally scheduled to work during a calendar year.

C. Restricted Use Of Family And Medical Leave

1. The time missed from work due to FMLA shall not exceed 12 weeks in a rolling twelve (12) month period.
2. Family and medical leave may not be used for short-term conditions for which treatment and recovery are brief, such as minor illnesses and outpatient surgical procedures with expected brief recuperating periods. FMLA does not provide for the intermittent care of a child for such commonplace illnesses as colds and flu.
3. FMLA leave and workers' compensation leave shall run concurrently, provided the reason for the leave is due to a qualifying serious illness or injury and the employer properly notifies the employee in writing that the leave will be counted as FMLA leave.

D. Paid Leave

1. Employees have the option of using paid leave for absences covered under family and medical leave.
2. Employees participating in the sick leave bank may substitute paid sick leave bank leave only for FMLA leave taken for the employee's own

serious medical condition. The sick leave bank is not available for other FMLA uses.

3. FMLA does not change any general government leave policies.
4. If an employee's accrued leave balances are used for FMLA, the employee shall be entitled to the number of unpaid workdays which, when combined with the number of days of other leave taken, equal 12 workweeks.

E. Intermittent Leave And Reduced Scheduled Leave

1. When medically necessary because of an eligible employee's own serious health condition or the serious health condition of a child, spouse or parent, an employee may take family or medical leave on an intermittent leave basis or on a reduced schedule.
2. An intermittent leave schedule is a leave schedule that permits the employee to take leave periodically for a few hours a day, or for a few days, on an as-needed basis.
3. A reduced schedule is a leave schedule permitting the employee to reduce his/her usual number of hours worked per workweek or per workday.
4. Intermittent leave may be charged in no less than one-half hour increments.
5. While an employee is on an intermittent or reduced leave schedule, the general government may temporarily transfer the employee to an alternative position which better accommodates the recurring leave as long as the new position carries equivalent pay and benefits.

F. Notice Of Leave

1. If possible, an employee must submit a written request for family and medical leave at least 30 days before the anticipated beginning of the leave. If an emergency or unforeseen event precludes such advance notice, the employee must give notice as soon as possible.
2. Any leave taken by an employee that may be covered under the Family and Medical Leave Act must be designated as Family/Medical leave.

G. Certification Of Need For Leave

1. An employee requesting family and medical leave must complete the Family/Medical Leave Certification Form within 15 days from the date leave is requested.

2. Failure to provide the requested medical certification in a timely manner may result in denial of leave until the certification is provided.
3. The general government may require, at its own expense, a second opinion. The health care provider cannot be one who is employed by the general government on a regular basis.
4. If the second opinion differs from the first, the general government may, at its own expense, require a third opinion from a health care provider designated or approved jointly by the employee and the general government. The opinion of the third health care provider shall be considered final and binding upon the employer and the employee.
5. The general government may require an employee to report periodically during the leave period on his/her leave status and intention to return to work, and to provide subsequent re-certifications on a reasonable basis.

H. Status Of Benefits

1. Health Insurance

The general government will continue to contribute to the health insurance premiums of employees covered under FMLA as discussed below:

- a. When an employee is using paid leave under the provisions of FMLA, the payroll deductions for the employee portion of the health insurance premiums continue.
- b. When an employee is on leave without pay under the provisions of FMLA, the employee portion of the health insurance premiums must be paid by the employee.

If an employee fails to make premium payments, the general government will follow the same procedures to terminate coverage as it would if the employee failed to pay premiums while on a leave without pay status. An employee will be allowed to re-enroll in the health insurance program upon return to work from family and medical leave.

- c. If an employee fails to return to work at the end of leave under FMLA, he/she will be required to reimburse the general government for the cost of the premiums paid by the general government for maintaining coverage during the leave.

There will be no recovery of premiums if an employee fails to return to work due to a serious health condition or other circumstances beyond his/her control.

2. Life Insurance

The general government will continue to pay life insurance premiums while an employee is on family and medical leave.

3. Leave Accrual

An employee will not accrue annual or sick leave during any period of leave without pay.

I. Returning From Leave

An employee who takes leave because of his/her own serious health condition may be required to provide medical certification that he/she is fit to resume work. An employee failing to provide the requested medical certification will not be permitted to resume work until the certification is submitted.

J. Restoration to Position

1. At the end of family and medical leave, an employee is normally to be reinstated as follows:

- a. Original position – the general government must restore an employee to the position he/she held when the leave began unless he/she held a key position which needed to be filled during the absence.
- b. Equivalent position – if the previous position has been filled, an employee is entitled to restoration to an equivalent position.
- c. Conditions upon restoration of job position – the general government may require an employee to report periodically on his/her status and intent to return to work, and can require certification from health care providers that the employee is able to return to work.

2. If an employee's position is determined to be key, he/she may be denied restoration when:

- a. the general government shows that denying restoration is necessary to prevent substantial economic injury to its operations;
- b. the general government notifies the employee that restoration will be denied at the time it determines that substantial economic injury would occur; and

- c. the employee already has begun the leave and elects not to return to employment within a reasonable time after receiving the general government's notice.

A Resolution to Authorize the Revision of Human Resources Policy 2-H - Holidays

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISION OF HUMAN RESOURCES POLICY 2-H - HOLIDAYS

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended changes are contained in Policy 2-H, Holidays, dated January 12, 2006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the revisions made to Human Resources Policy 2-H, Holidays, be, and are hereby, approved effective January 12, 2006.

HUMAN RESOURCES POLICY Fauquier County, Virginia

Policy Title: Holidays
Section No.: 2-H

Effective Date: 1/12/2006
Supersedes Policy: 03/17/03

PURPOSE

It is the objective of the Board of Supervisors that employees are permitted to observe specific workdays as holidays, and that certain employees receive holiday pay for these days.

SCOPE

This policy applies to all permanent full-time and permanent part-time employees.

PROCEDURES

- A. Holidays

1. The general government shall observe the following paid holidays, as well as any other days designated as holidays by the Board of Supervisors, the Governor of the Commonwealth of Virginia or by the President of the United States.

New Year's Day	January 1
Generals Robert E. Lee and Thomas "Stonewall" Jackson Day	Friday preceding the 3 rd Monday in January
Martin Luther King, Jr. Day	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Thanksgiving Friday	The Friday after Thanksgiving
Winter Break	December 25

2. Full-time permanent general government employees shall be granted two (2) floating holidays (15 hours for 37.5 hour/week employees; 16 hours for 40 hour/week employees; 16.8 hours for 42 hour/week employees) per fiscal year in addition to the above holiday schedule. The two floating holidays are pro-rated for part-time employees.

- a. New full-time permanent employees who begin work with the general government between the months of July – December shall receive two floating holidays as referenced in section A.2., above.
- b. New part-time employees who begin work with the general government between the months of July – December shall receive floating holiday time based on the following pro-rated hourly schedule:

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Part-time Work Week	Routine Work Week	Floating Hours Given as of 1/1
30	37.5	12
22.5	37.5	9

Part-time employees working schedules not reflected above shall receive pro-rated holidays based on the same formula represented above.

- c. New full-time permanent employees who begin work with the general government between the months of January – June shall receive one floating holiday (7.5 hours for 37.5 hour/week employees; 8 hours for 40 hour/week employees; 8.4 hours for 42 hour/week employees).
- d. New part-time employees who begin work with the general government between the months of January – June shall receive one floating holiday based on the following pro-rated hourly schedule:

Part-time Work Week	Routine Work Week	Floating Hours Given as of 1/1
30	37.5	6
22.5	37.5	4.5

Part-time employees working schedules not reflected above shall receive pro-rated holidays based on the same formula represented above.

- 3. Use of floating holidays shall be coordinated through Department Heads/ Constitutional Officers to insure that offices are adequately staffed and service to the public is not disrupted.
- 4. Floating holidays shall be used during the calendar year in which they are granted.

B. Holidays Falling On A Weekend Day

- 1. When a holiday falls on a Saturday, it shall be observed on the preceding Friday.
- 2. When a holiday falls on a Sunday, it shall be observed on the following Monday.

C. Holidays Falling On Mandatory Employee Work Days

1. Eligible employees who are required to work on a designated general government holiday shall earn an additional floating holiday.
2. Additional floating holidays shall be used during the fiscal year in which they are earned or within four (4) months after being earned, whichever is greater.
3. Use of additional floating holidays shall be coordinated through Department Heads/Constitutional Officers to insure that offices are adequately staffed and service to the public is not disrupted.
4. Employees who are scheduled to work on a holiday but are absent shall have the time deducted from their annual or sick leave balances or charged to leave without pay or other applicable leave.

D. Holiday Falling On Scheduled Employee Days Off

1. Whenever a designated holiday falls on an employee's scheduled day off, the employee shall be granted an additional floating holiday (applies to full-time employees only).
2. Additional floating holidays shall be used during the fiscal year in which they are earned or within four (4) months after being earned, whichever is greater.
3. Use of additional floating holidays shall be coordinated through Department Heads/Constitutional Officers to insure that offices are adequately staffed and service to the public is not disrupted.

E. Holidays During Paid Leave

A holiday falling within a period of paid leave shall not be counted as a work day in computing leave charged to any employee.

F. Holiday During Unpaid Leave

When a holiday falls within a period of leave without pay or the day immediately preceding or following such leave, the employee shall receive no pay for the holiday.

G. Holidays for Part - Time Permanent Employees

1. Part-time permanent employees who work a minimum of 20 hours per week and are regularly scheduled for work on a holiday shall be compensated for the holiday at the normal length of their work day.

2. Part-time permanent employees who are not regularly scheduled to work on a holiday will not be compensated for the holiday.
3. Part-time permanent employees who work less than 20 hours per week, who have completed ten (10) years of service, and who are regularly scheduled for work on a holiday shall be compensated for the holiday at the normal length of their work day.

H. Holidays for Part - Time Temporary Employees

Part-time temporary employees are not eligible for holiday pay.

I. Appointment or Separation on Holiday

The appointment or separation of an employee shall not be effected on a holiday, except when the employee works that day.

A Resolution to Authorize the Revision of Human Resources Policy 9- Work Schedules and Attendance

RESOLUTION

**A RESOLUTION TO AUTHORIZE THE REVISION OF HUMAN RESOURCES POLICY 9 –
WORK SCHEDULES AND ATTENDANCE**

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended changes are contained in Policy 9, Work Schedules and Attendance, dated January 12, 2006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the revisions made to Human Resources Policy 9, Work Schedules and Attendance, be, and are hereby, approved effective January 12, 2006.

**HUMAN RESOURCES POLICY
Fauquier County, Virginia**

PURPOSE

It is the objective of the Board of Supervisors to provide convenient and consistent hours of operation for citizens to transact business with the County while allowing its employees reasonable flexibility in their work schedules.

SCOPE

This policy applies to all employees.

DEFINITIONS

Work week

A work week is defined as the seven consecutive calendar days; currently identified as Saturday through Friday.

Full-time Work Week

A full-time work week is defined as a work week consisting of 30 or more hours.

Part-Time

A part-time work week is defined as a work week consisting of less than 30 hours.

Routine Work Schedule

A routine work schedule is defined as a work week where work hours are the same for each of the days worked as determined by the County Administrator. The routine work week schedule hours for County Government employees are 8:00 a.m. to 4:30 p.m. or 8:30 a.m. to 5:00 p.m., Monday through Friday, with a recommended one hour lunch break.

Alternative Work Schedule

An Alternative work schedule is defined as a work week that diverges from the normal work schedule.

Compressed Week Schedule

A compressed work week is defined as a work week of fewer than five days in a seven day period, or fewer than ten days in a 14-day period.

Non-exempt Employee

A non-exempt employee is defined as an employee who is subject to the overtime provisions of the Fair Labor Standards Act.

Exempt Employee

An exempt employee is defined as an employee who is not subject to the overtime provisions of the Fair Labor Standards Act.

WORK SCHEDULES

A. Routine Work Schedules

1. Full-time employees shall work a regularly scheduled work week consisting of 37.5, 40 or 42 hours, depending upon their specific job positions.
2. Departments who service the public shall maintain office hours from either 8:00 a.m. to 4:30 p.m. or 8:30 a.m. to 5:00 p.m., Monday through Friday.
3. Department Heads/Constitutional Officers may establish specific work hours to meet the requirements of their departments. Any adjustment from the routine work schedule that affects service to the public must be approved by the County Administrator.

B. Alternative Work Schedule

With the approval of the County Administrator, Department Heads/Constitutional Officers may implement an Alternative Work Schedule for an employee, or a group of employees, that does not affect service to the public or the department's customers. The approval process is as follows:

- An employee or group of employees wishing to obtain an alternative work schedule shall make written request to his/her immediate supervisor for review and approval or disapproval. A non-exempt employee shall not be permitted to request an alternative work schedule that exceeds 40 work hours within a work week.
- Upon approval of the request by the immediate supervisor, the request will be submitted by the supervisor to the Department Head/Constitutional Officer for approval or disapproval.
- Upon approval of the request by the Department Head/Constitutional Officer, the request is submitted to the County Administrator for approval or disapproval.

- Once a determination is made by the County Administrator, the alternative work schedule request will be returned to the Department Head/Constitutional Officer for implementation, revision, or dismissal of the request.
1. An approved, alternative work schedule will be implemented at an agreed upon date between the Department Head/Constitutional Officer and the employee or group of employees, which must be at the beginning of a forthcoming pay cycle.
 2. Department Heads/Constitutional Officers shall have final authority to resolve any matters that occur as a result of implementation of an alternative work schedule to ensure effective service to the public and the department's customers.
 3. Termination of an alternative work schedule may occur in any the following manners:
 - a. Department Heads/Constitutional Officers may terminate an alternative work schedule at their discretion by providing a written notice to the employee or group of employees at least two weeks in advance, except in the case of a department emergency.
 - b. An employee must provide a written request, at least two weeks in advance, to the immediate supervisor to terminate an alternative work schedule.
 - c. Emergency requests for termination of an alternative work schedule initiated by the employee shall be considered by the immediate supervisor and Department Head/Constitutional Officer on the merits of each request.
 - d. An employee's or group of employees return to a normal work schedule must occur at the beginning of a forthcoming pay cycle.
 4. Participants of an alternative work schedule shall comply with all applicable statutes, rules, policies, and procedures. Failure to do so may result in termination of the alternative work schedule for that participant and may include disciplinary action.

C. Attendance

1. Employees are required to adhere to their work schedules by reporting to work at the specified starting time, departing at the specified ending time, and taking lunch periods and breaks as authorized.
2. Should an illness or personal emergency prevent an employee from reporting for work or result in a late report time, the employee is

expected to notify his/her supervisor prior to the employee starting time, or as soon as possible thereafter.

II. BREAKS

- A. Breaks are not mandated by law and are granted at the discretion of the Department Head/Constitutional Officer.
- B. A one hour lunch is recommended for full-time employees during their work day.
- C. Breaks cannot be used to change an employee's start or ending time.
- D. Breaks cannot be combined with an employee's lunch break to extend lunch privileges.

A Resolution to Authorize the Revision of Human Resources Policy 23 – Position Classification Plan

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISION OF HUMAN RESOURCES POLICY 23 – POSITION CLASSIFICATION PLAN

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended changes are contained in Policy 23, Position Classification Plan, dated January 12, 2006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the revisions made to Human Resources Policy 23, Position Classification Plan, be, and are hereby, approved effective January 12, 2006.

HUMAN RESOURCES POLICY Fauquier County, Virginia

**Policy Title: Position Classification Plan
Section No.: 23**

**Effective Date: 1/12/06
Supersedes Policy: 03/18/02**

PURPOSE

It is the objective of the Board of Supervisors that the County establish, maintain and administer a plan that provides for the classification of positions.

SCOPE

This policy applies to all full-time permanent and part-time permanent positions and employees.

DEFINITIONS

A. Class

Class is defined as a group of job positions which are sufficiently alike in general duties and responsibilities to warrant the:

1. same descriptive title;
2. same level of education, experience, knowledge, skills, abilities and other qualifications that may be required of incumbents;
3. similar tests of fitness; and
4. same pay ranges.

Class Specification

Class specification is defined as a written description of a class consisting of a class title, definition of work, typical tasks, knowledge, skills, abilities and the minimum qualifications for the class.

Class Title

Class title is defined as the official title of a position.

Classification

Classification is defined as the grouping of positions according to responsibilities and duties performed; education, knowledge, experience and ability requirements; tests of fitness; and ranges of pay.

Pay Grade

Pay grade is defined as the numerical designation of the pay range assigned to a class of positions.

Position Classification Plan

Position Classification Plan is defined as Fauquier County's official/approved system of grouping positions into appropriate classes.

Reclassification

Reclassification is defined as a substantial change in a position's duties and responsibilities resulting in an increase or decrease in job content sufficient enough to cause a change in classification and pay grade.

Series

Series is defined as all job classes involving the same nature of work, but differing levels of difficulty and responsibility.

PROCEDURES

A. Position Classification Plan

1. The Position Classification Plan shall be established, maintained and administered by the Human Resources Department.
2. All permanent positions in the County shall be included in the Position Classification Plan.

B. Position Classification Plan – Components

1. Class Title

Official position class titles shall be used in all Human Resources and administrative processes. Department Heads/Constitutional Officers may assign "informal" titles to positions.

2. Class Specifications

- a. Class specifications shall be considered descriptive rather than restrictive and shall be used to indicate the kinds of positions that should be allocated to the respective classes. Class specifications shall not prescribe the duties or responsibilities of any position nor modify the authority of a Department Head/Constitutional Officer or supervisor to assign duties and/or direct, control or evaluate the work of employees.

- b. Class specifications shall contain the following information:

- 1) position title;
- 2) general definition of work;
- 3) list of typical tasks;
- 4) necessary knowledge, skills and abilities;
- 5) education and experience requirements;
- 6) special qualifications; and
- 7) Americans with Disabilities Act data.

3. Pay Grade

Each job class shall be assigned a pay grade that is developed based on external market analysis and internal equity relating to the Position Pay Plan.

C. Classification of New Positions

1. A Department Head/Constitutional Officer shall notify the Human Resources Director, or designee, via written request upon the need to establish a new position.
2. The Human Resources Director, or designee, shall review the request and forward to the County Administrator, or designee, if appropriate.
3. Upon approval by the County Administrator/designee, the Human Resource Director/designee shall initiate the appropriate documentation to begin the position classification process.
4. Once the Human Resources Director / designee has developed a new position classification, the new position and grade may be established by the County Administrator for a one-year period. In order for the position to become permanent, the Board of Supervisors must formally approve it within one year after the temporary establishment. This action shall normally be concurrent with the adoption of the annual operating budget.

D. Reclassification of Vacant Positions

On occasion a Department Head/Constitutional Officer may make significant changes in a vacant position during the fiscal year, which could not have been anticipated at the time the proposed budget was adopted. When this occurs, the Department Head/Constitutional Officer shall follow the same procedure as outlined in section C. above in order to ensure that the position is appropriately classified prior to recruitment.

2. Only vacant positions may be reclassified outside of the annual budget process.

E. Reclassification of Filled Positions

1. Budget Considerations

- a. Reclassifications should occur within the context of developing annual budgets. Prior to the annual budget process, each Department Head/Constitutional Officer shall internally review all positions to determine the extent of any changes in the past fiscal year and project changes during the current fiscal year.
- a. In the event that a Department Head/Constitutional Officer believes that the duties and responsibilities of a position have

changed or will change under the proposed budget sufficient to justify position reclassification, the reclassification should be reviewed within the budget process.

2. A Department Head/Constitutional Officer shall notify the Human Resources Director, or designee, via written request upon the need to reclassify a position.
3. The Human Resources Director, or designee, shall review the request and forward to the County Administrator, or designee, if appropriate.
4. Upon approval by the County Administrator/designee, the process outlined in sections C.3. and C.4. shall apply.
5. The Human Resources Director may, before effecting any reclassification change, require evidence that the position incumbent possesses the qualifications to perform the duties of the reclassified position.

F. Salary Adjustments As A Result Of Reclassification

An employee shall not receive more than one salary adjustment as a result of a position reclassification within a twelve-month period.

1. Upgrades

- a. An employee whose position is reclassified to a higher grade shall receive a 2.5 percent increase in pay per grade, with a maximum of a 10 percent increase, or the beginning pay of the new salary range, whichever is greater.

Grade Increase	Salary Increase Percentage
1	2.5
2	5.0
3	7.5
4 or more	10.0

- b. All positions reclassified by more than three (3) grades where the new grade is thirty-six (36) or above shall require external advertisement unless the County Administrator waives such advertisement.
- c. If an employee is separated from employment as a result of a recruitment process as described in section b. above, Reduction in Force (RIF) procedures and benefits shall apply.

2. Downgrades

- a. An employee whose position is reclassified to a lower grade shall retain his/her current rate of pay if it falls within the salary range of the new position.
- b. An employee whose position is reclassified to a lower grade and whose salary is above the range of the new position shall retain his/her current rate of pay for a period of not more than six (6) months. At the end of the six (6) month period, the employee's salary shall be adjusted to the end of the range of the new position.

3. Transfers

An employee whose position is reclassified to a new position in the same pay grade shall retain his/her current rate of pay.

G. Annual and System-Wide Classification Reviews

1. On an annual basis, the Human Resources Director, in conjunction with the County Administrator, may select some positions for review and possible reclassification so that all positions are studied within a five to six year period.
2. Employees in job positions recommended for a significant shift in classification during this process shall not be required to compete for their jobs in a recruitment and selection process.

H. Appeal of a Position Classification or Reclassification

A Department Head/Constitutional Officer may appeal a position classification or reclassification. In order to appeal, the Department Head/Constitutional Officer shall contact the Human Resources Director and request an administrative review of the position classification by the County Administrator prior to submission to the Board of Supervisors.

A Resolution to Authorize the Revision of Human Resources Policy 24 – Types of Employment

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISION OF HUMAN RESOURCES
POLICY 24 – TYPES OF EMPLOYMENT

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended changes are contained in Policy 24, Types of Employment, dated January 12, 2006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the revisions made to Human Resources Policy 24, Types of Employment, be, and are hereby, approved effective January 12, 2006.

HUMAN RESOURCES POLICY

Fauquier County, Virginia

Policy Title: Types of Employment
Section No.: 24

Effective Date: 12/16/02
Supersedes Policy: 01/19/88

PURPOSE

It is the objective of the Board of Supervisors to employ individuals in a variety of employment types to best meet the work requirements of the County and serve its citizens.

SCOPE

This policy applies to all full-time, part-time and temporary positions and employees.

DEFINITIONS

A. Full-Time Permanent Position

A full-time permanent position is defined as a position in which the incumbent works a full-time, regularly scheduled workweek on a continuous basis. Full-time permanent positions work 30 hours or more per work week. Full-time permanent positions have no time limitation with respect to the duration of job assignment. Full-time permanent employees are eligible to receive full fringe benefits.

Part-Time Permanent Position

A part-time permanent position is defined as a position in which the incumbent works less than a regularly scheduled workweek on a part-time, continuous basis. Part-time permanent positions work less than 30 hours per work week. Part-time permanent positions have no time limitation with respect to the duration of job assignment. Part-time permanent employees are eligible to receive pro-rated fringe benefits.

Full-Time Temporary Position

A full-time temporary position is defined as a position in which the incumbent works a regularly scheduled workweek for a maximum period not to exceed twelve (12) months. Full-time temporary employees are not eligible to receive fringe benefits.

Part-Time Temporary Position

A part-time temporary position is defined as a position in which the incumbent works less than a regularly scheduled workweek for a maximum period not to exceed twelve (12) months. Part-time temporary employees are not eligible to receive fringe benefits.

Workweek

A workweek is defined as the seven consecutive calendar days; currently identified as Saturday through Friday.

PROCEDURES

- A. All positions in the County shall be characterized by one of the position employment types described in section III.A-D above.
- B. Fringe benefits shall be provided to employees according to their position employment type.
- C. An employee occupying two part-time permanent positions within the County shall be viewed as a full-time permanent employee for the purposes of fringe benefits if the combined position hours total a minimum of thirty hours (30) per work week. In cases of retirement, the Virginia Retirement System requires that the two jobs be of the same classification.
- D. Job Sharing
 - 1. Any full-time permanent position may be job shared upon approval of the Department Head/Constitutional Officer. The combined work hours of the job-shared position shall not exceed the total hours of the full-time permanent position.
 - 2. Job sharing may be initiated by a Department Head/Constitutional Officer when:
 - a. a position is vacant and job sharing fits the needs of the department, or
 - b. a position is filled and the incumbent agrees to or expresses a desire to job share.

3. The employment type of employees who job share shall correlate to the number of hours the employees work in a regularly scheduled workweek.
 4. A Department Head/Constitutional Officer may approve job sharing for a specific period of time, normally not less than one (1) year. Job sharing arrangements may be revised with the approval of the Department Head/Constitutional Officer on an as needed basis.
- E. Re-hire after Retirement through Virginia Retirement System (VRS)
1. Employees who have retired from the County Government may be eligible for re-hire.
 - a. Rehire into a Full-time Permanent Position
 - 1) After retirement, if an employee is re-hired into a full-time permanent position, the employee's VRS retirement benefits shall cease until such time that the employee again retires.
 - 2) If, within one (1) year of the initial retirement, a retiree is re-hired into a full-time permanent position at the same position grade level as the pre-retirement position, the employee shall earn a salary that is no greater than the salary that was earned immediately prior to retirement.
 - 3) A retiree that is re-hired into a full-time permanent position that is graded either lower or higher than the pre-retirement position shall earn a salary that is commensurate with the position grade level and market conditions.
 - 4) A re-hired full-time permanent employee shall be entitled to all fringe benefits associated with full-time permanent employment status.
 - b. Rehire into a Part-time Permanent Position
 - 1) After retirement, if an employee is re-hired into a part-time permanent position, the employee's VRS retirement benefits shall continue.
 - 2) If, within one (1) year of the initial retirement, a retiree is re-hired into a part-time permanent position at the same position grade level as the pre-retirement position, the employee shall earn a salary that is no greater than the salary that was earned immediately prior to retirement.
 - 3) A retiree that is re-hired into a part-time permanent position that is graded either lower or higher than the pre-retirement

position shall earn a salary that is commensurate with the position grade level and market conditions.

- 4) A re-hired part-time permanent employee shall be entitled to all fringe benefits associated with part-time permanent employment status.

c. Rehire into a Temporary Status Position

- 1) After retirement, if an employee is re-hired into a temporary status position, the employee's retirement benefits shall continue.
- 2) If, within one (1) year of the retirement, a retiree is re-hired into a temporary status position at the same position grade level as the pre-retirement position, the employee shall earn a salary that is no greater than the salary that was earned immediately prior to retirement.
- 3) A retiree that is re-hired into a temporary status position that is graded either lower or higher than the pre-retirement position shall earn a salary that is commensurate with the position grade level and market conditions.
- 4) Re-hired temporary status employees are not eligible to receive fringe benefits.

A Resolution Recommending Continued Virginia General Assembly Financing of the Virginia Department of Transportation (VDOT) Revenue Sharing Program

RESOLUTION

A RESOLUTION RECOMMENDING CONTINUED VIRGINIA GENERAL ASSEMBLY
FINANCING OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)
REVENUE SHARING PROGRAM

WHEREAS, Fauquier County is a member of the Virginia Association of Counties (VACo) and is an active participant in VACo Region 7; and

WHEREAS, transportation is one of the key priority issues needing attention in the General Assembly; and

WHEREAS, Virginia Department of Transportation (VDOT) revenue sharing is one existing and successful partnership tool where state and local government can match funds to complete critical secondary road improvements having immediate impact on residential neighborhoods and business communities; and

WHEREAS, the past legislative session reserved \$50 million last year for improvements through local initiatives and VDOT received \$65 million in local requests; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the Board does hereby forward to its Virginia General Assembly representatives a recommendation that it consider continuing the VDOT Revenue Sharing Program and increase available funding from \$50 million to \$75 million in its partnership with local government.

A Resolution Authorizing a Virginia Department of Transportation (VDOT) Revenue Sharing Grant Consolidation to the Route 605/Route 676 and Route 605/602 Intersectional Improvements

RESOLUTION

A RESOLUTION AUTHORIZING A VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE SHARING GRANT CONSOLIDATION TO THE ROUTE 605/ROUTE 676 AND ROUTE 605/602 INTERSECTIONAL IMPROVEMENTS

WHEREAS, the Board of Supervisors submitted its Virginia Department of Transportation (VDOT) Revenue Request on July 15, 2005, to include five projects: Route 605/676 intersection; Route 605 frontage improvements; Route 602/Vint Hill; Route 652/Brookside Parkway connection; and Route 676/600 intersection improvements; and

WHEREAS, these now need to be consolidated to better serve established and growing neighborhoods and the new Auburn Middle School and high school; and

WHEREAS, in FY05/06 the County of Fauquier elected to discontinue the participation in the Virginia Department of Transportation Revenue Sharing Program for projects:

1. Route 605 Frontage Improvements: 0605-030-350, C-502 (UPC 79007);
2. Route 602/Watson Road Improvements: 0602-030-352, C-501 (UPC 79009);
3. Route 676/600 Intersection Improvements: 0676-030-351, C-501 (UPC 79008);
4. Route 652 Connection to Brookside Parkway: 0652-030-353, C-501 (UPC 79010)

; and

WHEREAS, Route 605/676 Project 0605-030-350, C-501 (UPC 79006) funding allocation is to remain unchanged at \$570,000 (VDOT Share: \$285,000); and

WHEREAS, the Fauquier County Board of Supervisors has adopted and added the following revised intersection/relocation project as a revenue sharing project: Intersection improvements at Route 605 (Dumfries Road) and Route 602 (Rogues Road) for a funding allocation of \$918,840 (\$459,920 VDOT share); and

WHEREAS, the VDOT share total represents and remains \$744,920; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That VDOT is requested to redistribute the revenue sharing funds for Fauquier County as described above.

A Resolution Approving Travel Expenses in Accordance with Travel Policy and Procedures – Finance Director

RESOLUTION

A RESOLUTION APPROVING TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL
POLICY AND PROCEDURES – FINANCE DIRECTOR

WHEREAS, the Fauquier County Board of Supervisors has adopted a Travel Policy and Procedures which require approval of expenditures in excess of \$1,000; and

WHEREAS, the Fauquier County Finance Department is requesting approval to send the Finance Director to the Government Finance Officers Association Annual Conference, scheduled for May 7-10, 2006 in Montreal, Quebec, Canada, which is anticipated to entail costs of approximately \$1,900; and

WHEREAS, the Finance Department indicates that the conference highlights include implementation of Government Accounting Standards Board Statement 45 dealing with other post employment liabilities (retiree insurance); GASB 44 Statistical Table which overhauls the Statistical section of the CAFR and GASB 47 Accounting for Termination Benefits, and other conference topics to include the latest developments in public-sector auditing and internal control, new guidance on capital asset management and common financial reporting deficiencies; and

WHEREAS, in addition, government issuers, private-sectors experts, and federal government officials will provide timely advice on how to meet jurisdictions capital needs through the prudent use of debt financing all of which will enhance and prove beneficial in the operations of the Finance Department; and

WHEREAS, funding has been appropriated in the FY 2006 Budget to support this conference; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the Finance Director be, and is hereby, granted approval to attend the Government Finance Officers Association Annual Conference and to be reimbursed for training and travel expenses.

A Resolution Approving Travel Expenses in Accordance with Travel Policy and Procedures – Assistant Finance Director

RESOLUTION

A RESOLUTION APPROVING TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL POLICY AND PROCEDURES – ASSISTANT FINANCE DIRECTOR

WHEREAS, the Fauquier County Board of Supervisors has adopted a Travel Policy and Procedures which require approval of expenditures in excess of \$1,000; and

WHEREAS, the Fauquier County Finance Department is requesting approval to send the Assistant Finance Director to the Government Finance Officers Association Annual Conference, scheduled for May 7-10, 2006 in Montreal, Quebec, Canada, which is anticipated to entail costs of approximately \$2,100; and

WHEREAS, the Finance Department indicates that the conference highlights include implementation of Government Accounting Standards Board Statement 45 dealing with other post employment liabilities (retiree insurance); GASB 44 Statistical Table which overhauls the Statistical section of the CAFR and GASB 47 Accounting for Termination Benefits, and other conference topics to include the latest developments in public-sector auditing and internal control, new guidance on capital asset management and common financial reporting deficiencies; and

WHEREAS, in addition, government issuers, private-sectors experts, and federal government officials will provide timely advice on how to meet jurisdictions capital needs through the prudent use of debt financing all of which will enhance and prove beneficial in the operations of the Finance Department; and

WHEREAS, funding has been appropriated in the FY 2006 Budget to support this conference; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, that the Assistant Finance Director be, and is hereby, granted approval to attend the Government Finance Officers Association Annual Conference and to be reimbursed for training and travel expenses.

A Resolution to Approve Amended Warrenton-Fauquier Airport Minimum Standards for Aviation Services and Warrenton-Fauquier Airport Rules and Regulations

RESOLUTION

A RESOLUTION TO APPROVE AMENDED WARRENTON-FAUQUIER AIRPORT MINIMUM STANDARDS FOR AVIATION SERVICES AND WARRENTON-FAUQUIER AIRPORT RULES AND REGULATIONS

WHEREAS, in August 2005, Warrenton-Fauquier Airport staff began reviewing and revising the Minimum Standards for Aviation Services and the Rules and Regulations; and

WHEREAS, on August 26, 2005 and October 10, 2005, the Fauquier County Airport Operations Subcommittee met to review proposed changes; and

WHEREAS, on October 10, 2005, the Fauquier County Airport Operations Subcommittee voted to forward the Warrenton-Fauquier Airport Minimum Standards for Aviation Services and the Warrenton-Fauquier Airport Rules and Regulations to the Airport Committee for consideration; and

WHEREAS, on December 5, 2005, the Fauquier County Airport Committee reviewed and unanimously voted to forward the Warrenton-Fauquier Airport Minimum Standards for Aviation Services and the Warrenton-Fauquier Airport Rules and Regulations to the Fauquier County Board of Supervisors for consideration and adoption during their January 12, 2006 meeting; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the existing Warrenton-Fauquier Airport Rules and Regulations and Minimum Standards, November 1, 1997 are hereby repealed and That the Warrenton-Fauquier Airport Minimum Standards for Aviation Services and the Warrenton-Fauquier Airport Rules and Regulations be, and are hereby, adopted; and, be it

RESOLVED FURTHER, That the Warrenton-Fauquier Airport Minimum Standards for Aviation Services and the Warrenton-Fauquier Airport Rules and Regulations be, and are hereby, effective this 12th day of January 2006.

A Resolution to Authorize a Cooperative Agreement With the Piedmont Environmental Council to Co-hold Conservation Easements Obtained Using Cooperative Funding

RESOLUTION

A RESOLUTION TO AUTHORIZE A COOPERATIVE AGREEMENT WITH THE
PIEDMONT ENVIRONMENTAL COUNCIL TO CO-HOLD CONSERVATION
EASEMENTS OBTAINED USING COOPERATIVE FUNDING

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights Program (PDR) to support the agricultural economy of Fauquier County; and

WHEREAS, it is desired to have conservation easements acquired under the PDR program co-held by another conservation organization to add certainty to the conservation purposes of such conservation easements; and

WHEREAS, the Piedmont Environmental Counsel has agreed to serve as a co-holder for a specific conservation easement to be acquired through the Purchase of Development Rights Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the Cooperative Agreement between the Piedmont Environmental Council and the County be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the Cooperative Agreement.

A Resolution to Authorize the Execution of a Deed of Well Lot and Easement Conveyance On the Third High School Site

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A DEED OF WELL LOT AND EASEMENT CONVEYANCE ON THE THIRD HIGH SCHOOL SITE

WHEREAS, on December 22, 2005, the County acquired the Lunceford property and intends to convey a portion of the property to the Fauquier County School Board; and

WHEREAS, the Fauquier County Water and Sanitation Authority has located well lots on the property and desires easements over the portion of the property which is to be conveyed to the School Board; and

WHEREAS, the Water and Sanitation Authority has requested that the well lots and easements for access to the well lots and appurtenant water line easements be granted in its favor of the Water and Sanitation Authority prior to the conveyance of the property to the Fauquier County School Board; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to execute such documents as are necessary to convey the easements and well lots.

Canterbury Reserves: Preliminary Plat PPLT06-LE-001, Lee District

No action was taken.

Colgan Property Subdivision: Preliminary Plat PPLT06-MA-003, Marshall District

No action was taken.

A Resolution Requesting the Board of Supervisors to Waive the Fee for a Category 26 Special Exception, Morgan B. Ott, Jr. Heirs

RESOLUTION

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS TO WAIVE THE FEE FOR A CATEGORY 26 SPECIAL EXCEPTION, MORGAN B. OTT, JR., HEIRS

WHEREAS, this is a request to waive the application fee for PIN# 7808-02-6829-000 to allow for the applicant to resubmit a Special Exception application for a reduction of non-common open space; and

WHEREAS, this Special Exception would allow for division of the property into two lots consisting of a 25-acre lot and a 29.2981 acre lot, as described in the original Special Exception application approved on July 20, 1993; and

WHEREAS, the Board of Supervisors approved the original application on July 20, 1993; and

WHEREAS, the applicant did not record the division in 1993 and now wants to do so; and

WHEREAS, this submittal requires minimal review and is unchanged from the original application so a request for no fee assessment is reasonable; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the application fee for this Special Exception be, and is hereby, waived.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Architectural Review Board – Cedar Run District: Hilary Gerhardt was appointed for a four-year term, which expires January 12, 2010.
- Planning Commission – Lee District: John Meadows was reappointed for a three-year term, which expires January 12, 2009.
- Rappahannock-Rapidan Community Services Board – Citizen-at-Large: Mary Schlegel was reappointed for a three-year term, which expires December 31, 2008.

A RESOLUTION TO APPROVE SPEX06-LE-002, LUCK STONE CORPORATION – BEALETON PLANT; A CATEGORY 19 SPECIAL EXCEPTION AMENDMENT TO CHANGE A PREVIOUSLY APPROVED SPECIAL EXCEPTION CONDITION

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was 4 to 1, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX06-LE-002, LUCK STONE CORPORATION – BEALETON PLANT; A CATEGORY 19 SPECIAL EXCEPTION AMENDMENT TO CHANGE A PREVIOUSLY APPROVED SPECIAL EXCEPTION CONDITION

WHEREAS, Luck Stone Corporation – Bealeton Plant, owner and applicant, is seeking a Special Exception amendment to a previously approved Special Exception condition under Zoning Ordinance Section 3-319; Mining, Quarrying, Mineral Processing; which would allow the plant to operate, for an indefinite period of time, with the applicant submitting documentation of compliance with all requirements to the Board of Supervisors every three (3) years for the parcel known as PIN# 6898-27-5158-000; and

WHEREAS, on September 29, 2005, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, on December 7, 2005, the Fauquier County Planning Commission recommended approval of the application, subject to conditions; and

WHEREAS, on December 8, 2005, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, on January 12, 2006, the Board of Supervisors concurred with the Planning Commission and determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-1901; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That SPEX06-LE-002 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land (392 +/- acres owned by Luck Stone near Bealeton, VA and the subject of a November 17, 1987 Special Exception approval “the Property”) indicated in this application and is not transferable to other land. Review by the Board of Supervisors shall be required if operation of the stone quarry on the Property is transferred to a new quarry operator (hereinafter, the “transferee”). A transferee may continue to operate under this Special Exception if, prior to the transfer, a transferee is determined by the Board of Supervisors to be an acceptable operator of the stone quarry located on the Property. A determination of a transferee’s acceptability shall be initiated by a written request from the Applicant to the Board of Supervisors. Upon receipt by the Board of Supervisors of a written request by the Applicant and required supporting documentation, the Board shall have 120 days to review the request and issue a determination as to the acceptability of a transferee. Supporting documentation to be considered by the Board shall include: (i) a financial report that demonstrates a transferee’s financial ability to comply with all applicable rules and regulations, (ii) a letter from the state agency responsible for the regulation of stone quarries of up to three (3) states in which a transferee owns or operates a stone quarry facility, if any, indicating whether a transferee is in compliance with all applicable state rules and regulations, and (iii) a list of each locality in which a transferee owns or operates a stone quarry, if any. This 120-day review by the Board of Supervisors is

not intended to constitute a new Special Exception application, and approval of a transferee shall not be unreasonably withheld.

2. This Special Exception is granted only for the purpose(s), and/or uses indicated in the original application that was approved November 17, 1987 and as shown on the schematic plan, Exhibit "A" submitted with the application for the November 17, 1987 Special Exception approval ("Special Exception Plat") approved with the application and all purposes and/or uses shall be in general conformance with the Special Exception Plat, as qualified by these development conditions.
3. This Special Exception shall be granted in perpetuity.
4. The applicant shall submit, once every three (3) years, from date of Board of Supervisors approval, a report documenting that the use of the property as approved by the Special Exception is in full compliance with all requirements of law and respect to the maintenance and conduct of the use, with all of the requirements and the standards of the Zoning Ordinance and with all conditions of this Special Exception. This report shall be submitted to the Zoning Administrator to demonstrate compliance.

This report shall show that all appropriate local, state and federal regulations are met. It shall include, but not be limited to, permit information, aerial maps from Virginia Department of Mines, Minerals and Energy (DMME) annual submittals and any other pertinent data.

5. Best Management Practices (BMPs) with emphasis on minimizing noise, dust, odor and vibration shall be implemented for use of all crushing equipment and associated equipment.
6. Fugitive dust shall be suppressed by use of water spraying activities. No oil-based products shall be used for suppression of fugitive dust.
7. Access to be directly to U.S. Route 17.
8. Associated uses such as asphalt and concrete plants to be located within the related use area to minimize impact on adjacent uses and appropriately screened as is necessary. The determination of location and screening to be finalized during the site plan process.
9. Normal hours of operation for truck delivery and pick-up limited to 7:00 a.m. to 6:00 p.m. Monday thru Saturday.
10. Truck deliveries and pickups, other than during normal hours of operations, shall be allowed for emergency situations, or for federal, state or local government projects or public utilities requiring off-hour truck deliveries or pickups. The expanded hours shall not adversely impact the surrounding properties.
11. Truck deliveries and pickups, other than during normal hours of operations, for exceptional situations, not categorized in the above item #10, shall be granted pursuant to approval by the Zoning Administrator.

12. Blasting schedule shall be Monday through Friday from 8:00 a.m. to 5:00 p.m.; except in the case when a blasting charge has been set before 5:00 p.m. and there is an unexpected delay (e.g. thunderstorms in the summer) that may create an unsafe condition. In such a case, the Applicant may then complete the blast after 5:00 p.m., but no later than 30 minutes after sunset.
13. All blasting shall be seismograph monitored. Program to be approved by state or local government in conjunction with site plan approval.
14. No bulk blasting materials shall be stored on the subject property. For the purpose of this condition bulk blasting materials shall mean those large quantities of blasting materials/agents that are currently delivered to the Property on the day of the blast.
15. Operation of rock moving equipment from the quarry to primary crusher limited to between 7:00 a.m. and 6:00 p.m., Monday thru Saturday.
16. Truck loads not to exceed legal capacity limits; except during a declared local, state or federal emergency situation.
17. Upon request by Fauquier County, Luck Stone shall, at its expense, erect a street light to illuminate the entrance to the quarry on Route 17.
18. Adverse impact resulting from a violation of any condition of the Special Exception, as determined by the Board of Supervisors based on competent analysis shall be the responsibility of Luck Stone to correct to the satisfaction of the County.
19. The applicant shall develop and implement a long-term groundwater monitoring plan:

Concerns have been raised to Fauquier County regarding the potential long-term impacts that quarry operations may have on local groundwater resources. The depth of the quarry pit is currently 80-90 feet below grade. The maximum excavation depth is anticipated to be approximately 350 feet. It is important to the local constituency and to the County that the excavation process throughout the life of this quarry does not adversely influence either the quality or the quantity of groundwater produced from existing residential and/or local community water supply wells.

The Groundwater Monitoring Plan shall be prepared and include an assessment of the adequacy of existing monitoring wells (location, depth of construction, etc.), as well as a hydrogeologic assessment of the quarry and the neighboring area. This associated investigation shall include the following work efforts, unless the Director of Community Development approves a change of scope:

- a) Assess on site hydrogeologic setting (through the use of geologic mapping, photolineament analysis, and/or geophysical surveys).
- b) Evaluate the local bedrock fracture fabric (identification of faults and other discontinuities in the rock that could be highly transmissive to groundwater flow).

- c) Conduct an inventory of local domestic wells, based on data from Health Department records, within 2,000 feet of the quarry operation and review construction details of the Marsh Run Mobil Home Park wells.
- d) Determine existing quality of groundwater from available existing monitoring wells.
- e) Assess the potential or existing impacts that pumping the Marsh Run Mobil Home Park community well has on the existing quarry monitoring wells.
- f) Evaluate the amount of water being pumped monthly from the quarry as a result of groundwater flow.

Hydrogeologic data collected as a result of these investigations shall serve to determine the most beneficial groundwater monitoring locations around the perimeter of the quarry and to develop an associated Groundwater Monitoring Plan. It is anticipated that three to six new monitoring wells will be identified as a result of this investigation. (Currently, there are no monitoring wells located west, south, or east of the existing quarry.)

The Groundwater Monitoring Plan shall be presented to Fauquier County within six months of Board of Supervisors approval of this Special Exception. This Groundwater Monitoring Plan shall be reviewed and approved through the Department of Community Development and the County's water resources consultant. The approved plan shall then be implemented within one year of Board of Supervisors approval of this Special Exception. Compensation for the County's consultant's review of the plan shall be borne by the applicant.

- 20. Impacts to wells or groundwater in the vicinity of the quarry, as determined by the Board, and based on competent analysis to be caused by quarrying or associated usage shall be the responsibility of Luck Stone to correct to the satisfaction of the County.
- 21. Buffer to be left in a natural state except where berming has been approved in the site plan process. Mobile home park buffering is first priority; berm to be competed, stabilized and planted within two years.
- 22. The buffer between the related use area and the Mobile Home Park shall be a minimum of 350 feet and the berm contained therein shall be at least 25 feet in height. Berming shall not cause increased flooding on adjacent properties.
- 23. Security fencing shall be required on the perimeter of the site (pit) designated for quarrying activities.
- 24. Any loose stone at the entrance on Route 17, in the crossover at Route 17 or in the acceleration/deceleration lanes shall be removed by Luck Stone on a daily basis.
- 25. Luck Stone Corporation shall reimburse Fauquier County Water and Sanitation Authority (WSA) for any construction/relocation costs, if any, attributed to the quarry operation, upon determination by the Board and upon evidence by competent authority.

26. If traffic generated at the Property conflicts with school bus operation at Liberty High School and the junior high school, out loading can be discontinued for a period of 30 minutes prior to school and 30 minutes after school is dismissed. Determination to be made by County Board of Supervisors upon request of School Board or the Virginia Department of Transportation (VDOT).
27. All external lighting sources shall be shielded so that lighting is directed downward and source is not directly visible from neighboring properties and the applicant shall meet the standards set forth in the Fauquier County Zoning Ordinance Section 9-1000: Outdoor Light Control and Section 9-900: Glare Standards.
28. Associated uses in this permit shall include asphalt and ready-mix concrete facilities or a similar type of industry. Any asphalt and ready-mix concrete facilities or similar type of industry added subsequent to approval of this Special Exception shall be subject to determination of the Zoning Administrator and Site Plan approval.
29. At the time the quarry is no longer in use, applicant shall grant a non-exclusive easement to the County to permit the construction and maintenance of a water withdrawal or intake structure(s) and water pipes to permit the quarry to be used by the County as a water reservoir. The appearance and location of such structures and water pipes shall be mutually agreed upon between the County and applicant so as to avoid any adverse impact to the future development and activities on the Property. In the event that the quarry is to be conveyed from the applicant after its use has been terminated and it has been reclaimed in accordance with applicable state and federal law and these conditions, the applicant shall afford the County a first right of refusal to purchase the quarry at the price agreed upon between the applicant and the prospective purchaser. The County shall have 120 days to determine whether to exercise the right of first refusal. The applicant shall enter into a written agreement with the County memorializing this first right of refusal, which shall be in recordable form.
30. Final reclamation of the site shall not adversely affect surface waters or cause permanent reduction in the quality or quantity of groundwater reasonably available to future users.
31. A detailed analysis of the impact of the encroachment of fill material, placed by Luck Stone, into the floodplain shall be performed by Luck Stone in conformance with County standards. This study shall be submitted to the County for review and approval and then to FEMA for consideration. The as-built floodplain analysis must be compared with the pre-developed flooding condition. In general, the floodplain analysis should begin at approximately the confluence of Craig Run with Marsh Run and be computed upstream to the point at which the post-developed flooding condition ties to the pre-developed flooding condition. The study shall be initiated immediately and submitted to the County for review within one (1) year of the Board of Supervisors action date. Upon approval by the County, Luck Stone shall submit to FEMA within 60 days.

A RESOLUTION TO EXPAND THE MEMBERSHIP OF THE HUMAN RIGHTS COMMITTEE TO INCLUDE A SCHOOL BOARD REPRESENTATIVE AND A BUSINESS COMMUNITY REPRESENTATIVE

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO EXPAND THE MEMBERSHIP OF THE HUMAN RIGHTS COMMITTEE TO INCLUDE A SCHOOL BOARD REPRESENTATIVE AND A BUSINESS COMMUNITY REPRESENTATIVE

WHEREAS, on April 19, 2004, the Board of Supervisors appointed a nine-member ad hoc Human Rights Committee to advise the Board on matters of human rights; and

WHEREAS, the Human Rights Committee believes that, in order to carry out this charge most effectively, the membership of the committee should be expanded to include a School Board representative and a representative of the business community; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 12th day of January 2006, That the membership of the Human Rights Committee be, and is hereby, expanded to include a School Board representative and a representative of the business community.

A RESOLUTION TO APPROVE FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS OF QUALIFYING FOURTH ROUND APPLICANTS TO THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS OF QUALIFYING FOURTH ROUND APPLICANTS TO THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, on October 13, 2005, the Fauquier County Board of Supervisors approved an increase of \$10,000 in the payment per development right to total \$30,000 per development right in the Purchase of Development Rights (PDR) Program; and

WHEREAS, the Fauquier County Board of Supervisors created the PDR Committee to assist the Board of Supervisors in selecting qualified farm properties for preservation; and

WHEREAS, on November 22, 2005, and December 13, 2005, the PDR Committee visited and ranked the farms in accordance with the adopted PDR application scoring system; and

WHEREAS, the PDR Committee highly recommends that the Board of Supervisors approve funding for the Purchase of Development Rights Easements representing a total of 58 development rights on four farms; and

WHEREAS, the Stillwaters Farm, LLC easement co-holding with Piedmont Environmental Council results in significant savings to the PDR Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the County Administrator be, and is hereby, authorized to negotiate and execute the purchases of the following eligible development rights as determined by the PDR Committee including a co-holding with Piedmont Environmental Council, on 740 acres of John D. Nissley's Still Waters Farm, LLC.

Applicant	Acres	Parcels	Development Rights	Cost
Cool Lawn Farms, LLC	263.25	2	13	\$390,000
Walter R. Green	52.03	2	5	\$150,000
Victor M. and Rosa Hacker	249.57	2	11	\$330,000
Stillwaters Farm, LLC	740	3	29	\$427,500
TOTALS	1,304.85	9	58	\$1,297,500

A RESOLUTION TO APPROVE THE VAN WOERKOM FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: **Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

RESOLUTION

A RESOLUTION TO APPROVE THE VAN WOERKOM FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

WHEREAS, on October 29, 1998, the applicants R. Scott and Amy M. Van Woerkom were the recipients of a family transfer parcel; and

WHEREAS, Section 2-39.3(A)(3) of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicants need to relocate due to job assignments; and

WHEREAS, Section 2-39(14) of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the requirement that R. Scott and Amy M. Van Woerkom hold their family transfer parcel for a period of ten (10) years be, and is hereby, reduced so that the parcel may be transferred to a non-immediate family member.

SUPERVISORS' TIME

- Mr. Robison presented for the record correspondence from Duane Putnam, a resident of Center District, expressing his displeasure with the current real estate reassessment and appeal process, and asking that the Board of Supervisors "... take the following action: 1) postpone the application of the new property values for taxing purposes; 2) conduct a thorough, professional review of this reassessment; and, 3) vote to reduce the tax rate so that property tax levels remain at current levels."
- Mr. Downey stated he attended a meeting at Vint Hill with the principals of Log.Sec Corporation and had encouraged that business to remain in Fauquier County. He then

stated that during an adjourned work session on January 24th the Board of Supervisors will address facility needs, and requested a complete and accurate pro forma of the School Board's projected capital projects and related funding requirements. Mr. Downey also stated that the Citizen of the Year plaques that were presented earlier in the evening had been professionally prepared by Masters Awards & Engraving, a company which is relocating to Warrenton, and he encouraged the continued support of local businesses.

- Mr. Graham agreed to sponsor a formal request for a pro forma of the School Board's long-range projected capital projects and related funding requirements. Mr. Graham then stated that Health Department officials had provided the Board of Supervisors with a report on the capabilities of the medical community to respond to a flu pandemic or similar public health emergency; he also encouraged citizens to consider volunteering with the Rappahannock-Rapidan Medical Reserve Corps.
- Mr. Stribling stated he echoes the concerns expressed by citizens regarding redistricting school boundaries, and during the Board of Supervisors' work session on January 24th he plans to make it a top priority to address the need for adequate school facilities.

ANNOUNCEMENTS

- Mr. McCulla announced that the Board of Supervisors will hold an adjourned work session to review the progress to date on the Board's top priorities, and to discuss capital project issues, on January 24, 2006, at 10:00 a.m., at the Inn at Vint Hill in Warrenton, Virginia.
- Mr. McCulla announced that the next regular meeting of the Board of Supervisors has been accelerated by one week until February 2, 2006, at 6:30 p.m., in the Warren Green Building Meeting Room located at 10 Hotel Street in Warrenton, Virginia.
- Mr. McCulla announced that members of the Board of Supervisors will attend the annual VACo/VML sponsored Legislative Day on February 9, 2006, at 12:00 noon, at the Richmond Marriott located in Richmond, Virginia.
- Mr. Graham invited the public to attend the VACo/VML Legislative Day event in Richmond on February 9, 2006.

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$2,763,619

A public hearing was held to consider various budget related issues in the amount of \$2,281,694 in appropriations, and \$481,925 in transfers, for FY 2006. Bryan Tippie, Budget Director, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$2,763,619

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2005, the Board of Supervisors adopted the Fauquier County FY 2006 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its November and December meetings, the Finance Committee has recommended FY 2006 budget adjustments of \$2,763,619 for the purposes set forth below; and

WHEREAS, on January 12, 2006, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the FY 2006 Budget be, and is hereby, amended in the amount of \$2,763,619 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<u>FY 2006</u>					
State Funds	3-205-242000-0001	\$92,486	School Division	4-205-63200-4210-900-000	\$92,486
FY 2005 Carryover Comprehensive Maintenance - County	3-100-419000-0010	\$94,140	General Services	4-100-043414-3310	\$94,140
FY 2005 Carryover Insurance Reimbursement	3-100-419000-0010	\$9,600	Environmental Services	4-513-042710-8207	\$9,600
Fund Balance	3-240-419000-0010	\$689,656	Agriculture Development (Conservation Easement Service District)	4-240-081800-6099	\$689,656
FY 2005 Carryover	3-100-419000-0010	\$2,646	Fire & Emergency Services	4-100-032420-3311	\$2,646

State Funds	3-504-244740-0020	\$633,036	Airport	4-504-81746-8215	\$719,934
Lease Holder Funds	3-504-189900-0050	\$155,187		4-504-81746-3160	\$68,289
Federal Funds	3-100-331000-0181	\$60,120	County Attorney (PDRC)	4-100-012210-5694	\$60,120
Reimbursement	3-100-189900-0050	\$12,263	Fire & Emergency Services	4-100-032420-6047	\$12,263
Insurance Reimbursement	3-100-411000-0010	\$3,535	Fire & Emergency Services	4-100-032420-3311	\$3,535
Fund Balance	3-100-419000-0010	\$340,000	Sheriff's Office (Capital Fund)	4-302-31200-8107	\$340,000
E-911 Tax Revenue	3-220-129000-0002	\$115,480	Warrenton-Fauquier Joint Communications	4-220-31410-6047 4-220-31410-6050 4-220-31410-3320 4-220-31410-3160 4-220-31410-9999 4-220-31410-6007	\$77,950 \$10,845 \$600 \$13,785 \$10,000 \$2,300
Fund Balance	3-100-419000-0010	\$73,545	Budget Office (School Division)	4-205-061100-2210-300-100	\$73,545
Contingency Reserve (Transfer)	4-100-091400-9999	\$105,000	Parks & Recreation	4-100-043415-3310 4-100-043415-6047 4-100-043415-3160	\$45,400 \$20,100 \$39,500
General Fund	4-100-71110-3311 4-100-71120-3311 4-100-71140-1302 4-100-71140-2100 4-100-71130-3160 4-100-71160-1301 4-100-71160-2100	\$3,379 \$7,128 \$5,000 \$383 \$1,626 \$11,382 \$871	Parks & Recreation	4-100-71120-3311 4-100-71130-3311 4-100-71130-1302 4-100-71140-2100 4-100-71150-3160 4-100-71150-1302	\$3,379 \$7,128 \$5,000 \$383 \$1,626 \$12,253
Contingency Reserve (Transfer)	4-100-091400-9999	\$61,688	Community Development	4-100-081500-1101 4-100-081500-2100 4-100-081500-2210 4-100-081500-2310 4-100-081500-2400	\$48,520 \$3,712 \$6,065 \$2,711 \$680
Contingency Reserve (Transfer)	4-100-091400-9999	\$35,000	Parks & Recreation	4-100-071140-3160	\$35,000
Airport Funds (Transfer)	4-504-81722-8201 4-504-81722-3310 4-504-81722-4220	\$19,930 \$5,000 \$1,000	Airport	4-504-81722-3160 4-504-81722-3600 4-504-81722-3840 4-504-81722-5250 4-504-81722-5255 4-504-81722-5308 4-504-81722-5410 4-504-81722-5420 4-504-81722-6004 4-504-81722-6009 4-504-81722-6025 4-504-81722-6047 4-504-81722-6008 4-504-81722-6007	\$4,500 \$428 \$1,002 \$650 \$70 \$510 \$500 \$4,600 \$70 3,600 \$500 \$1,500 \$3,000 \$5,000
General Fund (Transfer)	4-100-53130-5718	\$39,500	Social Services	4-100-53130-5719 4-100-53130-5725 4-100-53130-5707	\$4,000 \$25,500 \$10,000

Contingency Reserve (Transfer)	4-100-091400-9999	\$175,038	General Services	4-100-043412-1101	\$48,073
				4-100-043412-2100	\$3,678
				4-100-043412-2210	\$6,009
				4-100-043412-2310	\$6,776
				4-100-043412-2400	\$673
				4-100-043412-6011	\$1,500
				4-100-043412-4210	\$750
				4-100-043412-5250	\$600
				4-100-043412-5255	\$120
				4-100-043412-6047	\$4,000
				4-100-043412-8207	\$50,000
				4-100-043413-1101	\$17,071
				4-100-043413-2100	\$1,306
				4-100-043413-2210	\$2,134
				4-100-043413-2310	\$2,259
				4-100-043413-2400	\$239
				4-100-043413-4210	\$990
				4-100-043413-6011	\$500
				4-100-043413-5250	\$300
				4-100-043413-5255	\$60
				4-100-043413-6047	\$3,000
				4-100-043413-8207	\$25,000
Contingency Reserve (Transfer)	4-100-091400-9999	\$10,000	Non-Department (SPCA)	4-100-091400-5670	\$10,000
TOTAL		\$2,763,619			\$2,763,619

CONSIDER GRANTING AN EASEMENT TO ROSS INDUSTRIES, INC.

A public hearing was held to consider a request to grant an easement to Ross Industries, Inc. for the purpose of connecting to the Warrenton-Fauquier Airport sewer system. Paul S. McCulla, County Administrator, summarized the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO GRANT AN EASEMENT TO ROSS INDUSTRIES, INC.

WHEREAS, Ross Industries has supported the development of the Airport Sewer System and wishes to connect to the system; and

WHEREAS, the sewer connection from Ross Industries facilities to the grinder pump tank requires an easement over County property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That the County Administrator be, and is hereby, authorized to execute an easement to allow a connection by Ross Industries, Inc. to the Airport Sewer System.

CONSIDER MODIFYING LEASES FOR T-HANGARS #1 AND #2 AT THE WARRENTON-FAUQUIER AIRPORT

A public hearing was held to consider modifications to lease agreements with Midland Development Corp. for T-Hangars #1 and #2 at the Warrenton-Fauquier Airport. Anthony I. Hooper, Deputy County Administrator, summarized the proposed lease amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to postpone a decision on the matter until the next regular meeting on February 2, 2006. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCE – BOUNDARY LINE ADJUSTMENTS

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 2-310.5 to prohibit future boundary line adjustments to lots created through certain family or administrative divisions. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. David Graham, Marshall District; Tom Foote, Cedar Run District; and James Green, Marshall District, spoke in opposition to the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone a decision and refer the matter to an ad hoc committee that would be established to review all potential consequences of the proposed Zoning Ordinance text amendment. Mr. Atherton seconded and, following discussion, Mr. Downey moved to amend the motion by striking language that would refer the matter to an ad hoc committee. Mr. Downey then moved to postpone a decision on the matter until the next regular meeting on February 2, 2006. Mr. Atherton seconded and the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

**PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION
ORDINANCE - DESIGN STANDARDS MANUAL**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Sections 12-601, 12-609, 12-610, 12-611, 12-617 and 12-702 to make these sections consistent with the recently adopted Design Standards Manual. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

**A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 12-601, 12-609, 12-610, 12-611, 12-617, AND 12-702 TO MAKE THESE SECTIONS CONSISTENT WITH THE
RECENTLY ADOPTED DESIGN STANDARDS MANUAL**

WHEREAS, on October 27, 2005, the Planning Commission initiated this text amendment; and

WHEREAS, on December 7, 2005, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on January 12, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 12th day of January 2006, That Sections 12-601, 12-609, 12-610, 12-611, 12-617, and 12-702 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:

PART 6 12-600 MINIMUM STANDARDS AND IMPROVEMENTS REQUIRED

12-601 Costs and Specifications

All improvements required by this Article shall be installed at the cost of the developer.
Bonding requirements for all projects shall be governed by the most current version of Chapter 8 of the Design Standards Manual. Where cost sharing and/or

reimbursement agreements between the County and the developer are appropriate, the same shall be **handled as set forth in the most current version of Chapter 8 of the Design Standards Manual**. ~~recognized by formal written agreement prior to site development plan approval and shall be subject to VDOT review and acceptance. Where specifications have been established either by VDOT for streets, etc., or by this Ordinance for related facilities and utilities, such specifications shall be followed.~~ The developer's performance bond shall not be released until construction has been inspected and accepted by the County and by the VDOT. Partial bond releases may be granted in accordance with Article 15.2- 2241 of the Code of Virginia, 1950, as amended.

The Board of Supervisors delegates the authority for bonding including bond releases, reductions and extensions to the Director of Community Development.

[12-602 through 12-608 - Same]

12-609 Easements

Adequate easement shall be provided **and recorded prior to site plan release, as set forth in the most current version of Chapter 2 of the Design Standards Manual**. ~~Minimum easement width shall be ten (10) feet. Where multiple structures or pipes are installed, the edge of the easement shall be five (5) feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five (5) feet from any building.~~

12-610 Drainage

Adequate drainage for the disposition of storm and natural waters both on and off-site shall be provided. The extent and nature of both on-site and off-site treatment including on-site stormwater retention, where deemed appropriate and necessary, are to be determined by the developer in conference with the Director and other agencies, as applicable, and in accordance with the **most current version of Chapter 11 of the County Code and Chapter 2 of the Design Standards Manual**. ~~Fauquier County Erosion and Sediment Control Handbook, as adopted on February 16, 1982.~~

12-611 Erosion and Sediment Control

1. Provision shall be made for all necessary temporary and permanent erosion and sediment control measures both on and off-site, in accordance with the **most current version of Chapter 11 of the County Code and Chapter 2 of the Design Standards Manual**. ~~Fauquier County Erosion and Sediment Control Handbook, as adopted on February 16, 1982.~~
2. ~~Erosion and Sediment Control Plans as submitted under the Erosion and Sediment Control Ordinance shall be prepared in accordance with Chapters Three and Four and shall contain the elements listed and explained in Chapter Six of the Virginia Erosion and Sediment Control Handbook, 1980, as amended.~~

[12-612 through 12-616 - Same]

12-617 Environmental Impact

Adverse environmental impact of the development should be minimal. The criteria for determination is as follows:

1. Water supplies - The impact will be deemed excessive if the Health Officer finds that the development will jeopardize the safety of present or future water supplies or that by reason of topography, soil type and condition, surface and subsurface drainage conditions, water table, history of failures of septic systems in adjacent areas, and the extent of septic development, there appears to be doubt of the proper functioning of septic systems with respect to contamination of water supplies.
2. Lack of adequate drainage - Excessive environmental impact with respect to drainage shall be deemed to exist if surface or subsurface water retention and/or run-off is such that it constitutes a danger to the structural security of proposed dwelling units or other on-site or off-site structures. In addition, inadequate drainage shall be deemed to exist where proposed site grading and development creates harmful or damaging effects from erosion and siltation on downhill and/or downstream land and no adequate remedy is provided. ~~Recommendations are to be requested from the John Marshall Soil and Water Conservation District based on the evaluation of submitted Sedimentation and Erosion Control Plan.~~
3. Tree masses and large individual trees should be preserved wherever possible.
4. Wherever possible, utility lines should be placed underground.
5. All major streams and rivers, especially those upon which flood control, water impoundment and recreation facilities are located or planned, should be left in their natural state where adequate or improved to provided for the maintenance of water quality standards.

[12-618 through 12-620 - Same]

PART 7 12-700 ADMINISTRATION AND PROCEDURES

[12-701 – Same]

12-702 Administration Review of Drainage and Erosion and Sediment Control Plans

- ~~1. Preliminary review of drainage and erosion and sediment control plans shall be made in conference with the developer and the Director.~~
- ~~2. Subsequent review shall be made by the John Marshall Soil and Water Conservation Commission, and where on-site stormwater retention is~~

~~required, review of designs for such structures shall be made by Planning District 8. Conveyance of plans to these agencies for review shall be the responsibility of the developer. All plans shall be stamped through the Office of Community Development.~~

- 1. Preliminary and final review of drainage and erosion and sediment control plan shall be in conformance with Chapter 2 of the Design Standards Manual.**
- 2. The erosion & sediment control plan may be performed by the John Marshall Soil and Water Conservation District.**
3. No site plans shall be subject to approval until approvals by reviewing agencies have been obtained by the Director.

[12-703 through 12-707 – Same]

SPECIAL EXCEPTIONS #SPEX06-CR-006 AND #SPEX06-CR-007 – FLYING CIRCUS AIRSHOW, INC., OWNER AND APPLICANT – FLYING CIRCUS AIRSHOW, CEDAR RUN DISTRICT

A public hearing was held to consider an application to obtain Special Exception approval under Category 21 to allow for the construction of new facilities at the Flying Circus Aerodrome and under Category 9 to allow for additional special events. The property is located on the north and south sides of Route 644 at 5114 Ritchie Road, Bealeton, Virginia, Cedar Run District, further identified as PIN #7808-74-7710-000. Melissa Dargis, Assistant Chief of Planning, summarized the applications. John King, Cedar Run District, representing the Applicant, requested favorable consideration of the application. Troy Hayes, Marshall District; and Diane Reynolds, Cedar Run District, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

**A RESOLUTION TO APPROVE SPEX06-CR-007 AND SPEX06-CR-006,
FLYING CIRCUS AIRSHOW, INC.**

WHEREAS, the Flying Circus Airshow, Inc., owner and applicant, is seeking Special Exception approval under Category 21 to allow for the construction of new facilities at the Flying Circus Aerodrome site and under Category 9 to allow for special events on the parcel known as PIN# 7808-74-7710-000; and

WHEREAS, on December 7, 2005, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of the application, subject to conditions; and

WHEREAS, on January 12, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006, 5-900 and 5-2100; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of January 2006, That SPEX06-CR-007 and SPEX06-CR-006 be, and are hereby, approved, subject to the following conditions:

1. These Special Exceptions, SPEX06-CR-006 and SPEX06-CR-007 are granted for and run with the land identified as PIN 7808-74-7710-000.
2. This Special Exception is granted only for the purpose(s), and/or uses indicated in the application and as shown on the Special Exception Plat," Proposed New Construction on the Property of Flying Circus Airshows, Inc." dated March 11, 2005. All purposes and/or uses shall be in general conformance with this plat, as qualified by these development conditions. This Special Exception shall be granted in perpetuity. Any expansion of uses or use not identified in this Special Exception shall require amendment to the Special Exception.
3. Access shall be directly to Ritchie Road (Route 644) and the site entrance shall meet VDOT approval.
4. The applicant shall meet all local, state and federal regulations for its operation and maintain an onsite log of this information.
5. Existing air show activities, museum and gift shop activities shall continue to operate, as indicated in the original Special Permit.
6. The Flying Circus will operate its vintage airplane show from May through October each year.
7. At air shows, the gates shall open at 11:00 a.m., and shows run from 2:30 p.m. to about 4:00 p.m. Attendees can take plane rides after the show until a half hour before dusk.
8. No night flying is permitted at air shows.
9. A concession stand shall be allowed for patrons.
10. This Special Exception grants approval for construction of a new gift shop facility to replace a temporary structure. It is subject to other permits prior to construction.

11. This Special Exception grants approval for construction of new public restroom facilities, subject to Health Department or other required approvals.
12. This Special Exception grants approval for construction of an aviation museum.
13. The aviation museum shall be allowed to be open year-round and is not subject to the air show season from May to October.
14. This Special Exception grants approval for construction of a pavilion structure.
15. This Special Exception grants approval for construction of up to six (6) new hangars for aircraft flown in the air shows.
16. The architectural style of the new buildings will be consistent with the character and old-fashioned appearance of existing structures.
17. All pilots shall be required to possess valid Federal Aviation Administration (FAA) pilot licenses and insurance to cover participation at the air shows. The Flying Circus shall maintain and record a log of this data on site.
18. Aircraft shall be maintained and pass FAA inspections. The Flying Circus shall maintain and record a log of this data on site.
19. Special Events:
 - a) These events shall take place on either the 10-acre or 12-acre open areas shown on the plat as 'Activity areas'.
 - b) Special events shall occur during regular air show season of operation from May to October each year.
 - c) There shall be no more than 1000 attendees at an event, with the exception of the 2-day Volkswagen Owner's Club Show and the annual BalloonFest.
 - d) Educational tours and aviation themed civic, school or church events (picnics or meetings), company picnics, shall be allowed for up to 300 attendees.
 - e) Three weddings, with up to 300 attendees, shall be allowed per year.
20. Educational Tours shall occur by appointment on any three days between Monday and Friday. Educational tours shall be allowed outside of the regular air show season.
21. BalloonFest shall be an annual (once per year) 3-, with participants arriving and setting up on Friday evening, and departing by Sunday afternoon.

A similar, smaller event, a one-day hot-air balloon rally shall be allowed (once per year) in the fall.

22. Car Club and Motorcycle shows shall be permitted as one-day or weekend events in conjunction to an air show. This entails participants bringing motorcycles or antique cars to display and compete for prizes and trophies. At the end of a show, a motorcade procession drives around the show grounds to display vehicles, and owners often want a picture taken of their vehicle next to one of our biplanes.
23. Antique Tractor shows One antique tractor show per year shall be permitted. Typically this is a one or two-day event, with approximately 300 attendees.
24. Radio-Controlled Model Airplane meets shall be permitted for two (2) events per year with up to 500 attendees. On a routine basis this site provides a gathering place for RC modelers to meet, fly their planes on Saturday, and then watch the show on Sunday.
25. Antique Airplane Fly-ins one annual event per year shall be permitted for up to 50 antique planes. Pilots shall check in and register with the Flying Circus Airshow, Inc., and these records shall be kept on file on site. This event may have up to 2500 attendees. Pilots may camp onsite.
26. Boy Scout Camporees or Camping Attendees (Scouts and Leaders) shall be permitted to camp on the property for two nights. During this time, aircraft and crews are available to conduct Aviation Merit Badge seminars. Camporees shall be allowed outside of the regular air show season. Smaller camping events are also permitted up to twelve per year for smaller scout, church or youth groups.
27. Only one (1) special event shall be allowed per weekend (this does not include regular air show activities).

With no further business, the meeting was adjourned at 8:20 PM, to reconvene on January 24, 2006.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on January 12, 2006.

*Paul S. McCulla
Clerk to the Board of Supervisors*